



## This month A-Z focus - "D" - Dismissal



"You're fired!" may be easy to say but getting a dismissal procedure right could be tricky! Employers can all too often find themselves at an Employment Tribunal if they have not followed correct procedures. If an employer wishes to establish a potential fair reason for dismissal in an unfair dismissal claim, it will be important to show that the decision to dismiss was both reasonable and fair. We have reported many dismissal cases in the recent months and there are some lessons to be learnt. [Read more](#)

## Upcoming training

### Introduction to Job Evaluation for Panel Members 22 November 2011

A one-day workshop that covers job evaluation practices and principles based on the 'Green Book' NJC Scheme for Local Government Services. Informative and practical, this will enable participants to carry out job evaluation in-house. [Read more](#)

### Introduction to Employment Law 19 January 2012

This practical one-day course will take you through the basic elements and core principles of employment law. You will learn how to tackle those common HR and employment issues in a confident manner. This course is suitable for those who are new to HR or are non-HR professionals with people management responsibilities. [Read more](#)

## Case Law

*Zulhayir v J J Food Service Ltd*  
UKEAT/0593/10/SM

### Implied termination of contract or "Self-dismissal"

In this case, the Employment Appeal Tribunal rejected the concept of employee "self-dismissal", and overturned the Employment Tribunal decision. [Read more](#)

*Slade v TNT*

### Dismissal and re-engagement on different terms can be fair

In this case, the legality and reasonableness of the employer's actions to dismiss and re-engage was considered. [Read more](#)

*Whitham v Club 24 Ltd t/a Ventura ET/1810462/10*

### Another dismissal case involving postings made on Facebook!

There have been an increasing number of cases similar to this one in recent months. In this case, the Employment Tribunal held the dismissal was **not** reasonable and was therefore unfair! [Read more](#)

*Jackson v Liverpool City Council [2011] EWCA Civ 1068 CA*

### Duty to provide an accurate reference

The Court of Appeal has considered the employer's duty of care when giving references and has provided some rather useful guidance on how an employer should deal with allegations coming to light about an ex-employee after they have left. [Read more](#)



## Other Information

### Workplace and Employment Law Reform

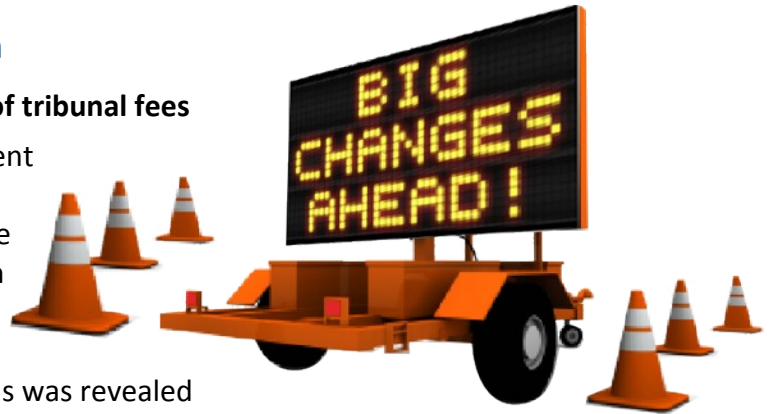
#### Increasing unfair dismissal qualifying period

On 3 October, the Government announced that the qualification period for the right to claim unfair dismissal will be extended from one to two years, while other employment rights that are available from “day one” will remain. This will come into force on 6 April 2012.

#### Introduction of tribunal fees

The Government intends to introduce a fee for bringing an employment tribunal from April 2013. This was revealed from the Chancellor’s speech and has yet to be published in writing by the Government.

A consultation will start by the end of November on the amount that will be charged and how it should be paid.



#### Red Tape Challenge

We reported in our [May issue of SEEhr](#) that the Government has launched the Red Tape Challenge to give the public the chance to have their say on some of the 21,000 regulations that affect their everyday lives, including employment law.

The review of employment-related regulations is broken down into four categories:

1. Compliance and enforcement
2. Terminating employment
3. Managing staff
4. Recruitment

Have a look and have your say [here](#). The results of the employment-related regulations are intended to be published later in 2011.

#### Modern Workplaces

The Government ran a 12-week consultation on plans for a culture of flexible, family-friendly employment practices. There are four elements: flexible parental leave, right to request flexible working, changes to the Working Time Regulations and equal pay. SEE submitted a response on behalf of local authorities based on comments from colleagues. A Government response should be issued shortly. [Read more](#)

#### Resolving workplace disputes

The Government published the “[Resolving workplace disputes](#)” consultation in January proposing measures to encourage early resolution of disputes, the speeding up of the tribunal process and measures to tackle weak and vexatious claims. The Government believes that combining this and the changes to the unfair dismissal rules should see a decrease in unfair dismissal claims of around 2000 per year.

A response from the Government is expected to be published soon.

### Commission submits European Court intervention

#### Intervention on religious discrimination in the workplace

The Equality and Human Rights Commission was granted permission to intervene in four cases going to the European Court of Human Rights which are relating to alleged religious discrimination in the workplace and sought views on the submissions it proposes to make.

The consultation response and the EHRC submission are available for download [here](#).